

Alicante, August 26, 2020
Ref.14/2020:

Mr. Peter Bergmann
By email: Peter Bergmann <ask+request-8467-9ae82d60@asktheeu.org>

Subject: Petition for documents

Dear Mr. Bergmann

The EUIPO has examined your request on the following questions concerning the trade marks:

1. word mark 'BEITRAGSSERVICE', file number 010588507
2. word mark 'ARD ZDF Deutschlandradio BEITRAGSSERVICE', file number 010588961
3. figurative mark 'ARD 1 ZDF Deutschlandradio BEITRAGSSERVICE', file number 010589356

in which we understand you wish to know the following information:

If the use of the 3 above mentioned trademarks take place outside of trade, e.g. in administrative law. If people cannot decide freely, but are forced under these 3 brands. If we have information whether these 3 brands are used illegally?

Doing so on the basis of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (Official Journal L 145, 31.5.2001, p. 43) and the specific provisions concerning public access to documents set out in Decision No CA-03-22 of the Administrative Board of the Office for the Harmonization in the Internal Market (24.11.2003) and has come to the following conclusion:

Information on how to request inspection of files (access to a public EUTM file) and in which cases it is free (online access to files) can be found in the Guidelines:

<https://guidelines.euipo.europa.eu/1803468/1789174/trade-mark-guidelines/section-5-inspection-of-files> (also available in German).

For Online access to files, you must register in the "User Area" and in which case you will have access to view the full content of any EUTM file that has been published (with the exception of any documents that are marked as confidential). Therefore, if the EUTM holder submitted any evidence of 'acquired distinctiveness' or if they submitted any evidence of use in an opposition or cancellation proceeding, this will all be on file, accessible free of charge (in PDF

Potentially (and this may depend on the original version), with your reference to “illegal use” you could be referring to possible TM infringement. If this is the case, reference is made to Article 124 EUTMR that establishes that the EUTM Courts have exclusive jurisdiction in all infringement actions, in which case any claim should be brought up with the relevant EUTM Court. EUIPO only reflects in the EUTM Register the outcome of the final Court actions, as explained in the Guidelines: <https://guidelines.euipo.europa.eu/1803468/1786313/trade-mark-guidelines/1-introduction>

If, upon receipt of the above information you still have any doubts, you should address any specific question to the [Information Service](#) which handles particular trade mark questions and not the Public Register which is mostly for for Administrative documents.

Please kindly note that under Article 7(2) of the Regulation you have 15 working days to make a confirmatory application asking the EUIPO to reconsider its position.

Yours sincerely

Julie Miller Holmer
EUIPO Public Register